

# Court of Appeals, State of Michigan

## ORDER

In re A L Minor

Docket No. 268578

LC No. 2006-062668-PW

Henry William Saad  
Presiding Judge

Mark J. Cavanagh

Pat M. Donofrio  
Judges

---

The Court orders that the February 16, 2006 order of the Macomb Circuit Court Family Division denying the petition for waiver of parental consent for an abortion is **AFFIRMED**.

Judge Cavanagh respectfully dissents, and would reverse the trial court's order and grant the petition for waiver of parental consent. In its initial decision, the trial court failed to properly apply the provisions of MCL 722.904(3), and instead focused on the reason petitioner did not want to seek her parents' consent. The statute requires the court to determine whether the minor is sufficiently mature and well-enough informed to make the decision regarding abortion independently of her parents or legal guardian or whether the waiver would be in the best interests of the minor. All the evidence presented at the hearing supports a finding that petitioner is sufficiently mature and well-enough informed to make an independent decision.

Judge Cavanagh further dissents from the panel's decision to remand the matter for additional findings of fact. Given the expedited time frame provided by MCR 3.615(K)(3), the Court should make every effort to resolve these cases in an expedited manner. The trial court made its findings, and a remand is not necessary where no additional evidence was to be taken. This Court can reach its own conclusions from the record.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 02 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk